

1 Honorable James L. Robart  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
SEATTLE DIVISION

8 NATIONAL PRODUCTS, INC.,  
9  
10 Plaintiff,  
11 v.  
12 GAMBER-JOHNSON LLC,  
13 Defendant.

Case No. C08-0049 JLR

**DECLARATION OF JONATHAN D.  
JAY IN SUPPORT OF DEFENDANT  
GAMBER-JOHNSON LLC'S  
MOTION FOR SUMMARY  
JUDGMENT**

NOTE ON MOTION CALENDAR:  
FRIDAY, JANUARY 8, 2010

ORAL ARGUMENT REQUESTED

15 1. I am an attorney with the law firm Leffert Jay & Polglaze, P.A., Suite 1900, 150  
16 South Fifth Street, Minneapolis, Minnesota 55402, and I represent Defendant Gamber-Johnson  
17 LLC ("Gamber") in the above-captioned matter. I have personal knowledge of the matters  
18 stated herein. I am providing this Affidavit in support of Defendant Gamber's Motion for  
19 Summary Judgment in this matter.

20 2. Attached hereto as Exhibit A is a true and accurate copy of The Mounting  
21 Evidence DVD.

22 3. Attached hereto as Exhibit B is a true and accurate copy of Truth About Trucks  
23 DVD.

1       4. Attached hereto as Exhibit C is a true and accurate copy of excerpts from the  
2 deposition of Steven Zuelke.

3       5. Attached hereto as Exhibit D is a true and accurate copy of excerpts from the  
4 deposition of Chad Remmers.

5       6. Attached hereto as Exhibit E is a true and accurate copy of a photograph of a  
6 Gamber-Johnson mounting system.

7       7. Attached hereto as Exhibit F is a true and accurate copy of Plaintiff NPI's  
8 Supplemental Initial Disclosures Pursuant to Fed. R. Civ. Rule 26(a)(1).

9       8. Attached hereto as Exhibit G is a true and accurate copy of excerpts from the  
10 deposition of Michael Turner.

11      9. Attached hereto as Exhibit H is a true and accurate copy of excerpts from the  
12 deposition of Thomas Marks.

13      10. Attached hereto as Exhibit I is a true and accurate copy of excerpts from the  
14 deposition of Dave Long.

15      11. Attached hereto as Exhibit J is a true and accurate copy of Dave Long  
16 Deposition Exhibit 31.

17      12. Attached hereto as Exhibit K is a true and accurate copy of excerpts from the  
18 deposition of Aaron Hersey.

19      13. Attached hereto as Exhibit L is a true and accurate copy of excerpts from the  
20 deposition of David Eby.

1       14. Attached hereto as Exhibit M is a true and accurate copy of excerpts from the  
2 deposition of Joshua Simes.

3       15. Attached hereto as Exhibit N is a true and accurate copy of excerpts from the  
4 deposition of Dennis Jones.

5       16. Attached hereto as Exhibit O is a true and accurate copy of the Amended  
6 Complaint.

7       17. Attached hereto as Exhibit P is a true and accurate copy of Plaintiff NPI's  
8 Answers to Defendant Gamber-Johnson's First Set of Interrogatories.

9       18. Attached hereto as Exhibit Q is a true and accurate copy of Plaintiff NPI's  
10 Answers to Defendant Gamber-Johnson's Second Set of Interrogatories.

12       19. Attached hereto as Exhibit R is a true and accurate copy of the Expert Report of  
13 David Eby.

14       20. Attached hereto as Exhibit S is a true and accurate copy of Scott Zuelke  
15 Deposition Exhibit 147.

17       21. Attached hereto as Exhibit T is a true and accurate copy of Scott Zuelke  
18 Deposition Exhibit 166.

19       22. Attached hereto as Exhibit U is a true and accurate copy of Dave Long  
20 Deposition Exhibit 3.

21       23. Attached hereto as Exhibit V is a true and accurate copy of Chad Remmers  
22 Deposition Exhibit 1.

1       24. Attached hereto as Exhibit W is a true and accurate copy of Chad Remmers  
2 Deposition Exhibit 3.

3       25. Attached hereto as Exhibit X is a true and accurate copy of Aaron Hersey  
4 Deposition Exhibit 2.

5       26. Attached hereto as Exhibit Y is a true and accurate copy of Aaron Hersey  
6 Deposition Exhibit 4.

7       27. Attached hereto as Exhibit Z is a true and accurate copy of Aaron Hersey  
8 Deposition Exhibit 11.

9       28. Attached hereto as Exhibit AA is a true and accurate copy of excerpts from the  
10 deposition of Michael Schiller.

12       29. Attached hereto as Exhibit BB is a true and accurate copy of a Letter from  
13 David Tellekson to Jonathan D. Jay dated July 31, 2009.

14       30. Attached hereto as Exhibit CC is a true and accurate copy of excerpts from the  
15 deposition of David Wilkinson.

16       31. Attached hereto as Exhibit DD is a true and accurate copy of Dave Long  
17 Deposition Exhibit 6.

19       32. Attached hereto as Exhibit EE is a true and accurate copy of Expert Report of  
20 Stephen Nowlis.

21       33. Attached hereto as Exhibit FF is a true and accurate copy of  
22 [www.gamberjohnson.com/about\\_1.0.php](http://www.gamberjohnson.com/about_1.0.php).

34. Attached hereto as Exhibit GG is a true and accurate copy of excerpts from the deposition of Jennifer Guerndt.

35. Attached hereto as Exhibit HH is a true and accurate copy of excerpts from the deposition of Jeff Greene.

36. Attached hereto as Exhibit II is a true and accurate copy of document

37. Attached hereto as Exhibit JJ is a true and accurate copy of excerpts from the deposition of Doug Mayer.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this declaration was executed on December 4, 2009, at Minneapolis, Minnesota.

  
Jonathan D. Jay